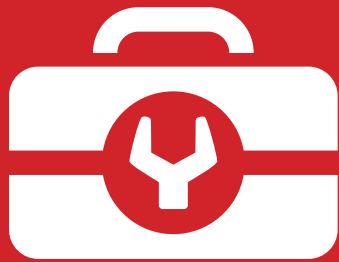


Pathways Home

A Regional Homelessness Action Plan for
Local and Tribal Governments



Community Court Toolkit

September 2022



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Overview

To assist our justice involved unhoused population, this toolkit provides the information needed to create a successful community court. This toolkit provides a framework to begin a community court, including FAQs, Tips & Considerations, Roster of Participants, Roles and Responsibilities, and Case Study.



Community Courts have been shown to reduce the overall cost to cities by reducing the staff and operational costs through the consolidation of cases that appear on a City or Town Court Docket.

Frequently Asked Questions

1. What is a Community Court?

Community Court is intended to be an interventional court designed to address legal matters that commonly impact the unhoused population.



2. What is the budget to start and operate a Community Court?

There are no additional dollars needed start and operate a Community Court. You will need in-kind resources, including judge, prosecutor, and defense attorney staff time and a court room. For navigation services, a partnership can be formed between the city and an agency to provide those services.

3. How does Community Court differ from a traditional court?

Rather than issuing fines or jail time for getting a violation, participants work with the defense attorneys and navigators to create a plan that is designed to help participants set and achieve personal goals, such as addressing substance use, gaining employment, or getting their identification documentation.

4. What do the court proceedings look like?

Prior to court, the defense attorney and navigators meet with the participant to create a plan for success. These are called "directives." The directive is shared with the prosecutors to make them aware of the needs of the participants and any progress that was made since the last directive, if applicable. The participant then meets with the judge, who confirms the previously agreed upon directive. The participant is to complete the directive before the next court date, typically 4-6 weeks from that court appearance.

If the participant achieves their directive, they are either given additional directives to continue their success or they are eligible to graduate out of the program. Their case is dismissed upon completion.

To graduate, it is recommended that the following criteria be achieved or in progress:

- Their substance use is being addressed, if applicable.
- They have a housing option. This can be their own place, with family or friends, or in a shelter.

- They have all of their identifying documents (ID, Social Security Card, Birth Certificate).
- They are employed or actively seeking employment, if applicable. Some participants may receive Social Security Income/Social Security Disability Income or are suffering from medical conditions which prevent them from working. Progress toward a sustained income is the goal.

If the participant fails to attend court, they are given another chance and a new court date is set. If they miss court a second time, their case can be removed from Community Court and an arrest warrant can be issued, if appropriate. Similarly, if a participant is not completing their directives or are getting additional citations, they may be removed from Community Court.

5. How do you get buy in from each department needed to run a successful Community Court?

In some instances, the idea that the court will help reduce work overall and have significant cost savings is enough incentive to support the Community Court. It also can be helpful to recruit staff that are passionate about serving this population.

6. How is someone referred into Community Court?

Participants may be referred to the Community Court in one of two ways:

1. Cited into the court by law enforcement. When law enforcement cites someone into the court, they will indicate on the ticket that they should attend court at the designated date and time as determined by the court schedule.
2. Judges, prosecutors, and defense attorneys can refer into the Community Court from a traditional court, if the individual qualifies.

7. What types of cases are seen at Community Court?

Community Courts handle criminal cases. This court is designed to be pre-adjudication, or before sentencing, and to provide an alternative to serving a jail sentence or paying fines.

8. How is participant progress tracked by Community Court?

The Community Court uses their internal system to track the directives and enters notes into case files. Participant progress also is tracked by the navigators through their case notes. Additionally, it is recommended that both the defense attorneys and the prosecutors keep notes on participant progress.

Tips & Considerations

- Participation should be voluntary. If the participant is not invested in the process, they likely will not be successful.
- Participants may not be successful the first time they elect to participate in Community Court. If they are removed on a case, they should have the ability to return on future cases.
- Community Court should take place on the same days and times each week (ex. Every Monday and Wednesday at 2 p.m.).
- Community Court should aim to dismiss all charges and fines.
- Community Court should be pre-adjudication. If the participant has already been sentenced, it reduces the incentive to participate in this court, since they may already be required to serve time in jail.

Roster

Department	Role
Law Enforcement	To refer/cite participants into the court
Prosecutors	To work with all parties to help participants achieve success, be available to instruct participants on consequences of failure to complete the court, and dismiss charges upon completion of court
Defense Attorneys	To serve as Advisory Counsel and make participants aware of their rights in participating in this court, craft directives with navigators, and assist and support participants to help them meet their directives
Judges	To preside over cases
Community Agencies	To act as navigators
Regional Behavioral Health Authority	To act as navigators
Case Managers	To act as navigators

Roles and Responsibilities

Law Enforcement:

- Law enforcement may be the first encounter a participant will have with Community Court. Rather than being given a citation, the law enforcement officer may be able to cite the individual directly into Community Court. This may prove more efficient than having the participant referred once they are already interacting with the court system.
- Law enforcement may be part of the team that helps create and issues directives.

Prosecutors:

- Prosecutors advise clients on consequences if they do not succeed in Community Court (ex. jail sentences) and dismiss charges upon completion of all directives.

Defense Attorneys:

- Defense attorneys will serve as an Advisory Counsel to the participants and assist navigators in crafting directives.

Judges:

- Judges will preside over the cases that come into Community Court. Typically, only one judge is needed, but your city may choose to use more judges based on need.

Community Agencies, Regional Behavioral Health Authority (RBHA) Contracted Home Health Agencies, and Case Managers:

- Community agencies, RBHA contracted Home Health agencies, and case managers may all act as navigators. As navigators, they will connect with participants in order to help them achieve their directives.
- It is important to consider that some navigators will have the flexibility to offer more services than others. For example, a community agency may be better suited to offer transportation and ID resources than an in-house navigator.

***Note:** you do not need all three organizations to act as Navigators for each participant, but navigators may come from any of these organizations. You may choose to use a participant's existing case manager as a navigator, if they are amenable to that.*

Case Study

Community Court – City of Mesa



When and how did the Community Court start?

The City of Mesa Community Court started in July 2018 as one piece of a citywide approach to address homelessness in the area. The idea came from the head city public defender and the head city prosecutor and was implemented by a court administrator and presiding judge. They recruited a City of Mesa navigator, who was having success in reaching those experiencing homelessness. Since the implementation of this court, they have seen significant decreases in jail costs, arrest rates, defense attorney costs, and fire department calls for assistance.

How is the Community Court structured?

The process begins when the participant is referred into the court. This is done by being cited directly into Community Court by law enforcement. They indicate that a person is cited into Community Court by writing a note at the bottom of the citation with the date and time of Community Court. The City of Mesa has their Community Court on the same days and times so there is little confusion on when and where Community Court takes place. Participants also can be sent to Community Court by judges, prosecutors, and defense attorneys when they appear in traditional court.

Prior to court, the team meets to “staff” the case and begin to develop a plan for success that will turned into a court “directive.” All directives require weekly contact with navigators and a requirement to “do something good for the community.” This requirement is not enforced, but encourages people to contribute to the community in a positive manner and creates a sense of community value among the participants.

Community Court begins with an introduction and welcome to all participants. This is designed to provide information and set the tone for this court and inform participants of the different nature of this court. The immediate goal is to inspire participation and demonstrate that all participants will be treated with dignity and respect.

The defense attorney and navigator then meet with each participant to explain the process

and craft directives which will have goals/tasks to be completed by next court date. At each successive court date their progress is monitored and noted. The goal is to see improvement in their lives and hopefully get them to a point of being stable, sober (if applicable), and off the streets.

Graduation or program completion is recommended on an individual basis when the participant has achieved their specific set of goals. A small ceremony is held detailing the participant's achievements while in community court and they receive a certificate. All charges are dismissed and all possible fines (present and past) are waived.

Best Practices

It is very important that participation in this process is voluntary. If the participants have not bought in to the process, there is little chance that it will be successful.

The City of Mesa, based upon experience, recommends having at least one city employed navigator. This allows for continuity in the program for the participants, which is essential to the success. They can be a bridge to city services and work well in conjunction with community agency navigators. When fully staffed, the City of Mesa has five navigators.

The City of Mesa has chosen a pre-adjudication approach. This has been successful for more service resistant folks than post-conviction. Providing them the ability to get their charges completely dismissed is often a better motivator than reducing fines or jail time after the fact.

Results

The City of Mesa has seen many positive outcomes since they implemented their court in 2018. In their first year, they saw a \$200,000 decrease of defense attorney costs, 1,000 fewer cases assigned to traditional courts, and decreases in jail costs, arrest rates, and fire department calls for assistance. In one case, they saw a participant who had 29 fire department calls, 26 police department calls, and 24 medical transports to the hospital, totaling around \$43,200. After their participation in Community Court, the calls went down to almost zero.

The City of Mesa has also seen a renewed sense of optimism in the city departments, less frustration by attorneys, court staff, judges, and participants, and few new citations given out to participants of Community Court.

Acknowledgements

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